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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,280	07/12/2001	Timothy Jon Haataja	2316.869USRE	2070

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Merchant & Gould PC
PO Box 2903
Minneapolis, MN 55402-0903

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,280

Applicant(s)

HAATAJA ET AL.

Examiner

William J. Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 1 – 4 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No 5,676,566 (Carlson et al.).

Regarding claims 5 and 11, Carlson shows a cable trough (10) comprising:

a bottom portion (24'),

two upstanding sides (areas of 16-19 above 24) extending from the bottom portion (24')

to define a cable pathway;

first and second ends (six receptacles 34) and a central portion (44);

a component support flange (95, 81) extending from one of the upstanding sides (16-19);

an optical fiber cable component (col. 7, lines 56-59) mounted to the component support flange (95).

Regarding claims 8 and 12, Carlson shows a cable trough (10) comprising:

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a bottom portion (24'),
two upstanding sides (areas of 16-19 above 24) extending from the bottom portion (24')
to define a cable pathway;
first and second ends (six receptacles 34) and a central portion (44);
component support means (95) positioned within the pathway for holding an optical
fiber component (col. 7, lines 56-59).

Regarding claims 10 and 13, Carlson shows a cable trough (10) comprising:
a bottom portion (24');
two upstanding sides (areas of 16-19 above 24) extending from the bottom portion (24')
to define a cable pathway;
a component support holder (95) positioned in the cable pathway and extending
transversely to the cable pathway;
a plurality of cable components (col. 7, lines 56-59) mounted to the component support
holder (95), wherein the cable components (col. 7, lines 56-59) are selected from a
group consisting of connectors, adapters, splitters/combiners, attenuators, splicings,
switches, wave division multiplexers, and amplifiers, the cable components (col. 7, lines
56-59, see also 95) defining an array transversely to the cable pathway.

Regarding claims 6-7, and 9, Carlson shows:
the cable components (col. 7, lines 56-59) are selected from a group consisting of
connectors, adapters, splitters/combiners, attenuators, splicings, switches, wave
division multiplexers, and amplifiers;
the component support flange (95, 81) extends inwardly from one of the upstanding

sides in a direction toward the other side (17, 19).

Response to Arguments

Applicant's arguments filed July 27, 2005 with respect to claims 5 - 13 have been fully considered but they are not persuasive.

Applicants' first argue that Carlson is non—analogous art:

In response to applicants' argument that Carlson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Carlson device, like applicant's device, is for routing optical fiber cables. Applicants speak of the present device being mounted in a "generally" horizontal manner. However, it appears that the Carlson device could also be mounted in a "generally" horizontal manner.

With respect to claims 5 – 7, Applicants state that tray 81 does not extend from one of the upstanding walls 16 – 19, but rather rests on supports extending from the back 24. While it is true that the tray rests on the supports extending from the back 24, it is also true that it extends from one of the side walls 16-19 (see Figs. 14 and 16a).

With respect to claims 8 – 13, Applicants state that Carlson does not disclose a component support means positioned within the cable pathway. If one sees the trough 24' as the cable pathway then element 81 is in the cable pathway. If the element 81 was not in the pathway the cable would not route properly.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

02Feb2006


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER